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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 PAUL ALEXANDER RANSOM,
14 Defendant.

Case No. CR-S-04-0011-KJD-PAL

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16 **ORDER**
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This matter is on remand from the Ninth Circuit Court of Appeals for the limited purpose of permitting the District Court to provide Defendant/Appellant notice and an opportunity to request that the time for filing Notice of Appeal be extended for a period not to exceed thirty calendar days from the expiration of the time for filing a Notice of Appeal based on a showing of excusable neglect. The Defendant/Appellant has already had that opportunity (No. 41). In that motion, filed March 8, 2007, Defendant/Appellant, citing Federal Rule of Appellate Procedure 4(b), states that the Court may extend the ten (10) day period for filing a Notice of Appeal in a criminal case for up to thirty (30) days, with or without motion and notice upon a finding of excusable neglect. However, Defendant/Appellant fails to provide any information to support a finding of excusable neglect or good cause.

1 Accordingly, the Court finds that Defendant/Appellant has not shown good cause why the
2 time for filing the Notice of Appeal should be extended. Moreover, the matter appealed from, an
3 order denying Motion for Reconsideration of Motion for Modification of Sentence (#30), actually
4 relates to the sentence imposed April 1, 2005. Defendant/Appellant filed his first Motion to Modify
5 Sentence on April 10, 2006, more than a year after his sentence was imposed. At that time, this
6 Court no longer had jurisdiction to modify the sentence. Any appeal would be futile. United States
7 v. Penna, 319 F.3d 509, 511-12 (9th Cir. 2003).

8 The clerk of this Court is to send a copy of this Order to the Court of Appeals.

9 DATED: July 10, 2008.



UNITED STATES DISTRICT JUDGE